

ETHICS TRAINING 2006

LTC SHANNON MAO MORNINGSTAR
301-619-2663

SHANNON.MORNINGSTAR@AMEDD.ARMY.MIL



Discussion Topics



- Why be ethical
- 14 Principals
- Conflict of Interest
- Use of Government Resources
 - Use of Communications Equipment
 - Use of Government Property
- Personal and Official Participation in Private Organizations

Why Be Ethical



- Personal
 - DO THE RIGHT THING
 - Everyone else is or (should be) doing it.
- Pragmatic
 - Efficient
 - The Case of the “Dragon Lady”
- Legal
 - My favorite reason



14 Principles 1-4



1. Public Service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
3. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
4. An employee **shall not**, except as [provided for by regulation], solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

14 Principles 5-9



5. Employees **shall put forth honest effort in the performance of their duties.**
6. Employees **shall not knowingly make unauthorized commitments** or promises of any kind purporting to bind the Government.
7. Employees **shall not use public office for private gain.**
8. Employees **shall act impartially and not give preferential treatment** to any private organization or individual.
9. Employees **shall protect and conserve Federal property** and shall not use it for other than authorized activities.

14 Principles 10-12



10. Employees **shall not engage in outside employment or activities**, including **conflict with official Government duties** and responsibilities.
11. Employees **shall disclose waste, fraud, abuse, and corruption** to appropriate authorities.
12. Employees **shall satisfy in good faith their obligations as citizens**, including all just financial obligations, especially those--such as Federal, State, or local taxes--that are imposed by law.
13. Employees **shall adhere to all laws and regulations that provide equal opportunity for all Americans** regardless of race, color, religion, sex, national origin, age, or handicap.

14 Principles 13-14



14. Employees **shall endeavor to avoid any actions creating the appearance** that they are violating the law or ethical standards. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.



Conflict of Interest



Conflict of Interest: Employees shall not hold financial interests that conflict with the conscientious performance of duty.

- If the Federal employee has a financial interest in a matter, it will prevent him/her from being entirely objective in carrying out the official duties related to that matter.
- The fact that the Federal employee is an honest person is not relevant.
- The fact that the Federal employee does not make the final decision is not relevant.
- All that is necessary for a conflict of interest is that the Federal employee participates personally and substantially in the matter.

Conflict of Interest



- Test for whether a “conflict of interest” exists_
- **Test:** That there is a real possibility that the Federal employee may gain or lose as a result of developments in or resolution of the matter.



Imputed to Employees



- Of the employee or those financial interests "imputed to the employee"
 - The employee's spouse and minor children.
 - The employee's general partner.
 - An organization or entity which the employee serves as officer, director, trustee, general partner or employee.
 - An organization with whom the employee is negotiating for or has an arrangement concerning prospective employment.

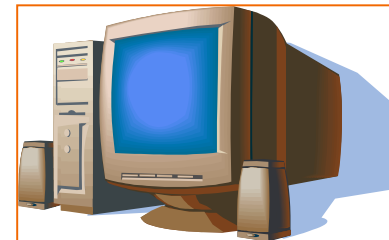
USE OF GOVERNMENT COMMUNICATIONS EQUIPMENT



ETHICS PRINCIPLES



- **Public service is a public trust (#1)**
- **Duty to protect and conserve Government property (#9)**
- **Government resources may only be used for authorized purposes (#9)**



OFFICIAL AND AUTHORIZED USE ONLY



- Official and Authorized Use only
 - Telephones
 - Fax Machines
 - Computers
 - E-mail
 - Internet



OFFICIAL USE



- Communications that are necessary in the interest of Government
- Emergency communications
- Morale and welfare communications (extended deployments)

AUTHORIZED USE

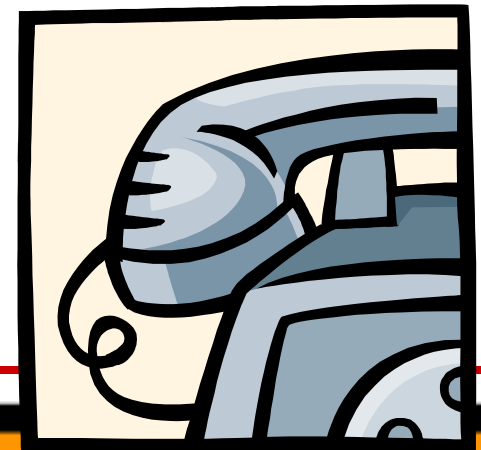


- Personal communications from office
 - Does not adversely affect official duties
 - Reasonable duration and frequency
 - Legitimate public interest
 - Does not reflect adversely on DOD
 - Does not overburden com system
 - Creates no significant additional cost
- Brief calls home while TDY (transportation and schedule changes)

CELL PHONES



- Official Use
- Limited Authorized Use Permissible under AR 25-1 (15 Jul 05) – land line “wired” phone must not be available



CELL PHONES – LIMITED AUTHORIZED USE



- Authorized Use
 - Does not adversely affect official duties
 - Reasonable duration and frequency
 - Legitimate public interest
 - Does not reflect adversely on DOD
 - Does not overburden system
 - Creates no significant additional cost
- **Land Line Phone Must Not Be Available**

E-MAIL AND INTERNET



- Official Use
- Authorized Use
 - Brief internet searches
 - E-mailing directions to visiting relatives
 - Scheduling doctor or home repair appointments
- Authorized use may not interfere with official duties or undermine readiness
- May not overburden communications system

No No's!



- Pornography or obscene material
- Copyright infringement (such as the sharing of copyright material by means of peer-to-peer software)
- Gambling
- Unofficial advertising, soliciting, or selling except on authorized bulletin boards established for such use
- Chain letters
- Inappropriately handled classified information

BEWARE!



Also, check local command policy.

It can be more restrictive than the JER or AR 25-1 or AR 25-2.



USE OF OTHER GOVERNMENT EQUIPMENT



- Use other Federal Government equipment and property only for official purposes or authorized purposes as approved by your supervisor.





OFFICIAL PARTICIPATION IN POs or NFEs



ATTENDANCE IN AN OFFICIAL CAPACITY



A supervisor (officer or employee above GS-11) may permit DOD employees to attend meetings, conferences, seminars sponsored by private organizations *if* there is a legitimate Government purpose

PROVIDING SPEAKERS & PANEL MEMBERS



A Commander or head of an Army organization may provide DOD employees in their official capacities to speak at private organization events.

- *But*, there are seven factors that need to be weighed and the fee charged for those to attend must be reasonable.
- Contact your ethics counselor.

OFFICIAL MANAGEMENT PROHIBITED



- General rule: You may not participate in the management of a private organization as part of your official duties



OFFICIAL MANAGEMENT



Army employees, to include Soldiers, may only participate in the management of a non-Federal entity in an official capacity *if* authorization is received from the Secretary of the Army *and* the DOD General Counsel.



LIAISONS WITH NFEs



- **The head of an Army organization may appoint a liaison to an NFE, including a private organization.**
- **Requires determination of significant and continuing DOD interest required.**
- **The liaison represents only the Army's interest in matters of mutual interest, but cannot bind the Army to any action**

LIAISONS WITH NFEs Continued



- A liaison cannot participate in the management or control of a NFE
- Cannot be a full time position for any Soldier or civilian employee
- Must be appointed

OFFICIAL ENDORSEMENTS



Endorsement of a private organization event, product, service may not be stated or implied by soldiers or DA civilians in their official capacities

Exceptions to Endorsements



- **Exceptions:**

- **CFC**
- **AER**
- **Disaster Appeals approved by OPM, and**
- **Organizations consisting of Army/DoD employees/dependents when conducting internal fundraising for informal funds when approved by the Commander**

PERSONAL PARTICIPATION



PERSONAL PARTICIPATION



- Soldiers and Army civilians may join, participate in, or hold office in POs or NFEs in their personal capacities
- When participating in POs or NFEs, Soldiers and Army civilians must act ***exclusively*** outside the scope of their official positions

PERSONAL PARTICIPATION



- Soldiers and Army civilians may **not** use official titles/positions/organization names in connection with private organization or NFE activities
- Exception: A Soldier may use his/her grade and military department as part of his/her name (e.g., Major Smith, U.S. Army). **But**, cannot use title or position to induce or coerce others to join

ANSWER



- He may serve in his personal capacity.
- But, he may not allow his position, duty address, or duty phone number be used on the college letterhead or other promotional literature.

NO MEMBERSHIP OR POSITION
IF OFFERED DUE TO OFFICIAL
POSITION



- Membership or position in a PO may **not** be accepted if it was offered because of an employee's official position



NO SOLICITATION



- Army personnel may not solicit subordinates or prohibited sources (e.g. contractors) in PO fundraising campaigns or membership drives
- Army personnel may not permit the use of their names in a PO solicitation that targets subordinates or prohibited sources

CONFLICTS OF INTEREST PROHIBITED



- An employee who is an officer, director, or employee of a private organization may **not** participate in official DOD matters involving the organization.
- Employees may not represent a private organization to the Government.
- Exception: uncompensated representation for certain nonprofit professional, recreational, and similar organizations.



Questions?

